

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Physical Fitness Facility Medical Emergency
5 Preparedness Act is amended by changing Section 5.25 as
6 follows:

7 (210 ILCS 74/5.25)

8 Sec. 5.25. Physical fitness facility.

9 (a) "Physical fitness facility" means the following:

10 (1) Any of the following indoor or outdoor facilities
11 that is (i) owned or operated by a park district,
12 municipality, or other unit of local government, including
13 a home rule unit, or by a public or private elementary or
14 secondary school, college, university, or technical or
15 trade school and (ii) supervised by one or more persons,
16 other than maintenance or security personnel, employed by
17 the unit of local government, school, college, or
18 university for the purpose of directly supervising the
19 physical fitness activities taking place at any of these
20 facilities: a swimming pool; stadium; athletic field;
21 football stadium; soccer field; baseball diamond; track
22 and field facility; tennis court; basketball court; or
23 volleyball court; or similar facility as defined by

1 Department rule; or such facilities located adjacent
2 thereto.

3 (2) Except as provided in subsection (b), any other
4 indoor or outdoor establishment, whether public or
5 private, that provides services or facilities focusing
6 primarily on cardiovascular exertion or gaming as defined
7 by Department rule.

8 (b) "Physical fitness facility" does not include a facility
9 serving less than a total of 100 individuals, as further
10 defined by Department rule. In addition, the term does not
11 include (i) a facility located in a hospital or in a hotel or
12 motel, (ii) any outdoor facility owned or operated by a park
13 district organized under the Park District Code, the Chicago
14 Park District Act, or the Metro-East Park and Recreation
15 District Act, ~~or~~ (iii) any facility owned or operated by a
16 forest preserve district organized under the Downstate Forest
17 Preserve District Act or the Cook County Forest Preserve
18 District Act or a conservation district organized under the
19 Conservation District Act, or (iv) any outdoor facility owned
20 or operated by a municipality that maintains a park district or
21 recreational facilities. The term also does not include any
22 facility that does not employ any persons to provide
23 instruction, training, or assistance for persons using the
24 facility.

25 (c) Notwithstanding any other rulemaking authority that
26 may exist, neither the Governor nor any agency or agency head

1 under the jurisdiction of the Governor has any authority to
2 make or promulgate rules to implement or enforce the provisions
3 of this amendatory Act of the 95th General Assembly. If,
4 however, the Governor believes that rules are necessary to
5 implement or enforce the provisions of this amendatory Act of
6 the 95th General Assembly, the Governor may suggest rules to
7 the General Assembly by filing them with the Clerk of the House
8 and Secretary of the Senate and by requesting that the General
9 Assembly authorize such rulemaking by law, enact those
10 suggested rules into law, or take any other appropriate action
11 in the General Assembly's discretion. Nothing contained in this
12 amendatory Act of the 95th General Assembly shall be
13 interpreted to grant rulemaking authority under any other
14 Illinois statute where such authority is not otherwise
15 explicitly given. For the purposes of this amendatory Act of
16 the 95th General Assembly, "rules" is given the meaning
17 contained in Section 1-70 of the Illinois Administrative
18 Procedure Act, and "agency" and "agency head" are given the
19 meanings contained in Sections 1-20 and 1-25 of the Illinois
20 Administrative Procedure Act to the extent that such
21 definitions apply to agencies or agency heads under the
22 jurisdiction of the Governor.

23 (Source: P.A. 95-712, eff. 1-1-09.)